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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,736	02/20/2004	David Ray Burritt		6624
7590		04/03/2007		
David Ray Burritt				
1350 Bellaire				
Broomfield, CO 80020				
		EXAMINER		
		SHRESTHA, KIRAN K		
		ART UNIT		
		PAPER NUMBER		
		2109		
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE		DELIVERY MODE
3 MONTHS		04/03/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/783,736

Applicant(s)

BURRITT, DAVID RAY

Examiner

Kiran K. Shrestha

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2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the provisional filing of February 26, 2003. Claims 1, 2 and 3 are independent claims. Claims 1-7 are pending and have been considered below.

Specification

2. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. GSM, GPRS, CDPD, etc.) throughout the specification without first including a description in plain text, as required. Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: the examiner notes the claims should be on separate page. Appropriate correction is required.

Claim Objections

4. Claims 4-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). In order to expedite prosecution of these claims, the examiner will consider claims 4-7 as being dependent on claim 1.

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5. Claim 3 is objected to because of the following informalities: The examiner notes the use of acronyms (e.g. LAN, WAN, etc.) on claim without first including a description in plain text, as required. Appropriate correction is required.

6. Claims 4, 6 and 7 are objected to because of the following informalities: it should have used "period" end of claims. Appropriate correction is required.

7. Claim 5 is objected to because of the following informalities: it should not have used parenthesis on claim instead it should have used comma to describe. Appropriate correction is required.

8. Claim 7 is objected to because of the following informalities: it should not have included specification after end of claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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11. Regarding claim 7, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lanier (US2002/0018070A1).

Claim 1: Lanier discloses a method for a handheld computer to select a `theme` (background image: [0009]) based on real time information (real time video image: [0025]).

Claim 2: Lanier discloses a method for a server (network system: [0025]) to select a theme (background image: [0009]) and, when a handheld computer connects to it via a WAN (Wide Area Network) (WAN routers: [0057]) or LAN (Local Area Network) (LAN

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hubs: [0057]) inform the handheld computer (personal computer: [0057]) which theme to use.

Claim 3: Lanier discloses a method for a server to pre-select a theme and when a handheld computer connects to it via a WAN (WAN routers: [0057]) or LAN (LAN hubs: [0057]) inform the handheld computer (personal computer: [0057]) which theme to use.

Claim 4: Lanier discloses the method of claim 1 plus the ability to load the theme from the handheld's main memory storage area (memory: [0003])

Claim 5: Lanier discloses the method of claim 1 plus the ability to load the theme from the handheld's auxiliary or external storage area (if it has such an area).

Claim 6: Lanier discloses the method of claim 1 plus the ability to load the theme from an external server (network system: [0025])

Claim 7: Lanier discloses the method of claim 1 plus the ability to take an image from a web cam (video camera: [0052]) or other real-time image (real time video image: [0025]) (e.g., current radar weather image) and convert it to an image suitable for displaying as a 'theme'

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Kiran K. Shrestha whose telephone number is (571) 270-1691. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre, can be reached on (571) 270-1065. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-3800. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

K-S.
KKS
March 29, 2007


James W. Myhre
Supervisory Primary Examiner